IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 7375 of 1995

Between:

Singinam Srinivasulu S/o Audhiseshaiah
R/o Yellayapalem (V), Kodavaluru (Mandalam)
Nellore Dist., A.P.

..... PETITIONER

AND

The Executive Officer Tirumala Tirupathi Devasthanams
Tirupathi, Chittoor Dist., A.P.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of "Certiorari" quashing the order of the Respondent herein issued in his Lr.ROC.No.TLI/43599/89, dt: 27-3-1995 terminating the petitioner as unjust, unfair, arbitrary and illegal after calling for the records and to pass such other orders that this Honourable Court may deem just to pass.

Counsel for the Petitioner: MR. PRATTIPATI VENKATESWARLU

Counsel for the Respondent:MR.A.K.JAYAPRAKASH RAO,SC, TTD

The Court made the following :

ORDER: (Per GM,J)

This writ petition is filed seeking to issue an appropriate writ or order or direction more particularly one in the nature of writ of Certiorari quashing the order of the respondent issued in Lr. Roc.No.TLI/43599/89, dated 27-3-1995 terminating the services of the petitioner as Mazdoor with immediate effect as being unjust, unfair, arbitrary and for issuing consequential directions in the interest of justice.

The case of the petitioner is that he was appointed as Mazdoor in Engineering Department in Tirumala Tirupati Devesthanam, Tirupati, 18-9-1992 and his services were terminated by order dated 22-4-1993 which was called in question in WP No.5872 of 1993 and ultimately this Court by order dated 11-7-1994 allowed the said writ petition pursuant to which the petitioner was issued orders vide proceedings dated 12-8-1994 and was posted to the office of Executive Engineer at Vijayawada and he joined duty on 20-8-1994.

While the matter stood thus, the petitioner was again issued with a show cause notice dated 21-9-1994 to which he stated to have submitted his explanation on

7-10-1994, however, not satisfied with the explanation submitted by the petitioner enquiry was ordered against the petitioner and by the impugned order his services as Mazdoor were dispensed with. The reason assigned for dispensing with his services was that the petitioner's candidature has not been sponsored by the concerned Employment Exchange for appointment as Mazdoor.

Learned counsel for the petitioner assailed the impugned order by strenuously contending that the question of sponsoring the candidature would arise only in case of notified posts and inasmuch as the petitioner was already appointed as Mazdoor pursuant to the directions granted by this Court, dispensing his services only because his candidature was not sponsored though the concerned Employment Exchange is perverse and cannot be sustained in law.

In the counter affidavit filed by the 1st respondent-TTD the fact that the petitioner has been appointed as Mazdoor is not denied, except stating that it was an irregular appointment made at the behest of the vested interests in T.T. Devasthanams, Tirupati.

Mr. A.K. Jaya Prakash Rao, learned Standing Counsel for TTD contended that inasmuch as no notification was given seeking for appointments to the posts of Mazdoors from candidates other than SCs and STs, and as the petitioner was appointed without subjecting to interview by the Selection Committee constituted for that purpose, the impugned order dispensing the services of the petitioner does not warrant any interference.

Admittedly, the petitioner was appointed as Mazdoor, though irregularly as contended by the respondent-TTD, vide proceedings in Roc. No.TL1/43599/89, dated 18-9-1992. Though this Court cannot allow a premium on irregular appointments. It is not the case of the respondent-TTD that the petitioner was never engaged as Mazdoor. In the circumstances, on the principle of equity, the respondent is directed to consider the case of the petitioner for appointment to the post of Mazdoor afresh without insisting on the requirement of sponsoring his name from the concerned Employment Exchange and appropriate orders be passed within a period of six weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.

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Ghulam Mohammed, J

Dated 17-3-2005

Nrg

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Executive Officer Tirumala Tirupathi Devasthanams Tirupathi, Chittoor Dist., A.P.

2. 2CCs to the learned Standing Counsel TTD (O.U.T.)

3. 2CD copies

*Form-NIC-OGS/WP{**LOBIS**}*